

Practitioner's Docket No. \_\_\_\_\_

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: William DeToro et al

Application No.: ~~6XX~~10/694,749 Group No.:

Filed: 10/29/2003

Examiner:

For: KNEE BRACE IMMOBILIZER

**COPY**Assistant Commissioner for Patents  
Washington, D.C. 20231

7004 1350 0001 1178 4831

**AMENDMENT, PETITION AND FEE TO DELETE AND/OR  
ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED  
INVENTOR(S) IN DECLARATION—NONPROVISIONAL APPLICATION—  
(37 C.F.R. § 1.48(a))**

**NOTE:** "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

**NOTE:** 37 C.F.R. § 1.48(f) states: "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship."

"(2) If the correct inventor or inventors are not named on filing a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."

1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on \_\_\_\_\_ (Date).
2. Addition and/or Deletion of inventor(s)

(check and complete all applicable items)

☐ Add the following previously unnamed person(s) as inventor(s) of this application:

☒ Delete the following previously incorrectly named inventor(s) \_\_\_\_\_  
Robert Lin

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 4/3/2006**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

R. C. Harpman

(type or print name of person certifying)

(Amendment, Petition and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in Declaration (37 C.F.R. § 1.48(a) [9-22]—page 1 of 2)

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## 3. Attachments

Attached is

(a) A statement from:

*(check items below that apply)*

- ☐ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- ☒ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) written assent of the assignee (if any of the original inventors executed an assignment) 37 C.F.R. 1.48(a)(4)
- (d)

*(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

- ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims In Application).

## 4. Fee Payment (37 C.F.R. § 1.17(f))

The fee required is paid as follows:

- ☒ Enclosed is a check for \$130.00.
- ☐ Charge Account \_\_\_\_\_ for any fee deficiency.
- ☐ Charge Account \_\_\_\_\_ the sum of \$130.00.

Reg. No.: 29,802

Tel. No.: (330) 758-7505

Customer No.: 27149

SIGNATURE OF PRACTITIONER

R.C. Harpman

*(type or print name of practitioner)*

819 Southwestern Run

P.O. Address

Youngstown, Ohio 44514

(Amendment, Petition and Fee to Delete and/or Add to Original Erroneously Named Inventor(s) in Declaration  
(37 C.F.R. § 1.48(a) [9-22]—page 2 of 2)

Practitioner's Docket No. \_\_\_\_\_

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William DeToro et al

Application No.: ~~XX~~10/694,749 Group No.:

Filed: 10/29/2003 Examiner:

For: KNEE BRACE IMMOBILIZER

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Assistant Commissioner for Patents  
Washington, D.C. 20231ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)Anatomical Concepts, Inc.

(type or print name of assignee)

493 Bev Road

Boardman, Ohio 44512 Address

## Assignment

☒ recorded on 3/8/2004Reel 015049Frame 0542☐ recorded herewith☒ A separate ☒ "ASSIGNMENT" (DOCUMENT) COVER SHEET is attached.

or

☐ FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed

☒ herewith.☐ on \_\_\_\_\_

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.Date: 11/12/04

Signature

R.C. Harpman

(type or print name of person certifying)

(Assent of Assignee to Correction and/or Addition of Inventor(s) [9-23]—page 1 of 2)

**ASSIGNEE STATEMENT**

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.

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X 

Signature

**William DeToro, President**

(type or print name and title of person authorized to sign  
on behalf of assignee)

(Assent of Assignee to Correction and/or Addition of Inventor(s) [B-23]—page 2 of 2)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William DeToro et al  
Serial No.: 10/694,749  
Filed: October 29, 2003  
For: KNEE BRACE IMMOBILIZER

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## ASSENT OF ASSIGNEE THROUGH CORRECTION OF INVENTORS

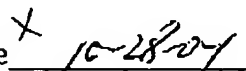
The undersigned, William DeToro, is President of Anatomical Concepts, Inc. and is authorized to act on its behalf states that Anatomical Concepts, Inc., an Ohio corporation, located at 493 Bev Road, Boardman, Ohio 44512 is the assignee of the above referred to U.S. patent application based on an assignment dated 3/4/2004 and recorded under the date of 3/8/2004, reel 015049, frame 0542 as being recorded in the Patent and Trademark Office, see attached notice of recordation of assignment document.

Accordingly, Anatomical Concepts assents to the amendment petition to delete an originally erroneously named inventor, Robert Lin, in accordance with the requirements set forth in the required assignment assignee statement under 37 C.F.R. 3.73(b) based on the information set forth in the verified statement filed in support of the amendment and petition to delete an erroneously named inventor.

Anatomical Concepts, Inc.

By 

William DeToro, President

Date  10-28-04

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William DeToro et al  
Serial No.: 10/694,749  
Filed: October 29, 2003  
For: KNEE BRACE IMMOBILIZER

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## VERIFIED STATEMENT UNDER 37 C.F.R. 1.45(c)

William DeToro, Brian Perala and Robert Lin hereby state that they are joint inventors of the invention of the above identified application, as filed, in the names of William DeToro, Brian Perala and Robert Lin.

The above application was filed, as noted, as a co-inventor through error and without any deceptive intention;

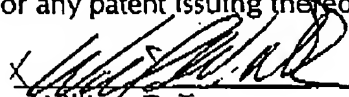
After carefully reviewing contribution of the originally listed inventors, it was determined that previously listed co-inventor Robert Lin did not contribute substantially to any of the claims in the present application and accordingly should not have been afforded joint inventor status at the time the application was prepared and executed. It is only this later determination of the facts by review of the aforementioned inventors that this error was determined to have occurred and that accordingly Robert Lin's name should not appear on the application as a joint inventor.

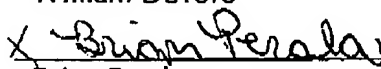
At this time that said application was prepared and executed, it was believed that the invention described herein and claimed was that of William DeToro, Brian

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Perala and Robert Lin and it was not known at that time that Robert Lin should not have been included as a co-inventor.

The undersigned, William DeToro, Brian Perala and Robert Lin, declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

X   
William DeToro

X   
Brian Perala

X   
Robert Lin

Date X 10-28-04

Papers comprising Amendment, Petition and fee to delete and/or add to original erroneously named or not named inventor in declaration - nonprovisional application for William DeToro et al, serial no. 10/694,749 including check for \$130.00 petition fee.

Sent to PTO on 11/12/04

RECEIVED BY PTO



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